

IN THE DRAWINGS:

The Applicant respectfully requests that the Examiner approve the changes to Figs. 1, 2, 10, 14 and 18 as indicated in red ink on the enclosed four (4) sheets of drawings. The proposed changes are in response to the Examiner's objections as indicated in the Office Action dated June 24, 2002.

REMARKS

Claim 8 and Claims 13 through 20 remain in this application with Claim 8 having been amended, and Claims 1 through 7, Claims 9 through 12 and Claims 21 through 23 having been cancelled. The Applicant reserves the right to prosecute the cancelled claims in a continuing application at a later date. Thus, the cancellation of the above mentioned claims should not be construed as an admission that the subject matter of those claims is not patentable over the cited art.

In a telephone conference between the Examiner and counsel for the Applicant, Group I, Species B, drawn to Claims 6 through 20 was provisionally elected without traverse to be prosecuted. Applicant, through this response, hereby affirms the election without traverse to Group I, Species B, drawn to Claims 6 through 20.

In the Office Action dated June 24, 2002, the Examiner rejected Claims 6 and 7 under 35 U.S.C. § 102(e) in light of U.S. Pat. No. 6,318,376 (Cheng) and additionally rejected Claims 6, 7 and 9-12 under 35 U.S.C. § 102(b) in light of U.S. Pat. No. 4,289,149 (Kyriakou). The Applicant has cancelled Claims 6, 7 and 9-12. By doing so, Applicant is in no way admitting that these claims are unpatentable over the cited art.

Claims 10 and 12 were additionally rejected by the Examiner under 35 U.S.C. §112, second paragraph. The Applicant has cancelled these claims, however, by doing so is not admitting that these claims fail to comply with 35 U.S.C. §112, second paragraph.

In the Office Action dated June 24, 2002, the examiner allowed claims 13 through 20. The Applicant and the undersigned are appreciative of the indication of allowability of these claims. In the Office Action dated June 24, 2002, the Examiner objected to Claim 8 as being dependent on a rejected base claim, i.e., independent Claim 6, which was rejected. Claim 8 has been rewritten to include all of the limitations of independent Claim 6. It is submitted that Claim 8, as amended, is allowable. Claim 14 has been amended to correct a typographical error.

In view of the foregoing amendment and remarks, it is respectfully submitted that Claim 8 and Claims 13 through 20, all of the Claims remaining in this Application, are allowable and such favorable action is respectfully requested.

In the Office Action dated June 24, 2002, the Examiner lists several objections to the drawings based upon 37 CFR 1.84(p)(4) and (p)(5). The attached corrected Drawings and the amendment to the Specification, supra, address the objections raised by the Examiner.

The Examiner objected to Fig. 1 because element 32 is designated in Fig. 1 but is not mentioned in the Specification. In Fig. 1, element 32 includes a lead line pointing to a raised ring. In the Specification at page 10, line 3, this raised ring is designated as element 25. Thus, the drawing has been modified by replacing the designation 32 with the designation 25 to agree with the Specification.

Next, the Examiner objected to Fig. 2 because element 18 designated therein has no support in the Specification. Upon close inspection, it is apparent that the element referred to by the

Examiner in Fig. 2 as "18", in fact, is a less than perfect rendition of a 28 corresponding to the vent hole. This designation in Fig. 2 has been modified to clearly show this element as a 28, not an 18.

Next, the Examiner objected to Fig. 14 on the basis that elements 79, 80, and 84 designated in this figure are not referred to in the Specification. These reference numbers have been removed from this figure to overcome this objection.

Next, the Examiner objected to the drawings on the basis that element 54 is referred to in the Specification on page 13, line 17 but is not present in any drawing. Element 54 appears in the upper left hand corner of Fig. 8.

The Examiner has objected to the drawings on the basis that element 108 has been used in Figs. 18 and 19 to designate different structures. In Fig. 19, element 108 designates smoking materials. This designation is supported in the Specification in several places including page 19, lines 2 and 4. In Fig. 18, element 108 designates the adhesive layer on the inner surface of the retention bearing 104. This designation is supported in the Specification on page 18, line 11. Fig. 18 has been modified to replace the designation 108 with the designation 121. Likewise, at page 18, line 11, the Specification has been amended to indicate that element 121 refers to the adhesive layer on the inner surface of the retention bearing. In this manner, element 108 designates only one structure, i.e., smoking materials, and element 121 designates only one structure, i.e., the adhesive layer.

Finally, the Examiner objected to the drawings on the basis that element 57 in Fig. 10 designates different structure than described in the Specification, page 13 line 22 to page 14 line 1. In Fig. 10, element 57 is actually indicated twice. One of the designations 57 has been corrected to indicate element 53, i.e., the second hollow member.

In the event that this Amendment does not result in the allowance of the Application, the undersigned respectfully requests that the Examiner telephone the undersigned to discuss any issues remaining.

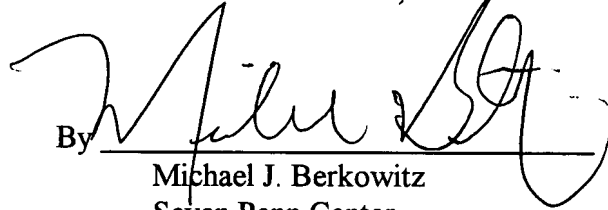
Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

Date

10/1/02

By



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Marked Up Version of Amended Claim 8

As required by 37 CFR § 1.121 (c)(1)(ii), the following marked up version of Claims 8 and 14 are submitted to indicate the changes made to Claim 8 and the correction of a typographical error in Claim 14..

8 (Amended). An apparatus for the ingestion of non-combustible tobacco products, said apparatus comprising:

a first hollow member comprising an opening at a proximal end, at least one vent hole at a distal end and a length therebetween;

a second hollow member arranged for insertion within said first hollow member, said second hollow member comprising an opening at a proximal end, at least one vent hole at a distal end, and a length therebetween, said second hollow member further comprising a retention bearing disposed over the outer surface of said second hollow member, said retention bearing being arranged to engage the inner surface of said first hollow member to retain said second hollow member within said first hollow member; and,

[The apparatus of Claim 6, additionally comprising] a bulbous chamber located at the distal end of said first hollow member, said first hollow member including a constricted portion along its length to retain the tobacco products within said first hollow member, said second hollow member additionally comprising a bulbous chamber and a constricted passageway at said distal end thereof.

14 (Amended). The apparatus of Claim 13 [14] wherein said retention bearing is cylindrical in shape.

Marked up Version of Amended Specification

As required by 37 CFR § 1.121 (b)(1)(iii), the following marked up version of Specification is submitted to indicate the changes made to it. On page 18, lines 10-12, the Specification is amended as follows:

The third hollow member 94 has a narrow strip retention bearing 104 exposed around its proximal end. The inner surface [108] 121 of the retention bearing also includes an adhesive material to be affixed to the third hollow member 94.

FIG. 1

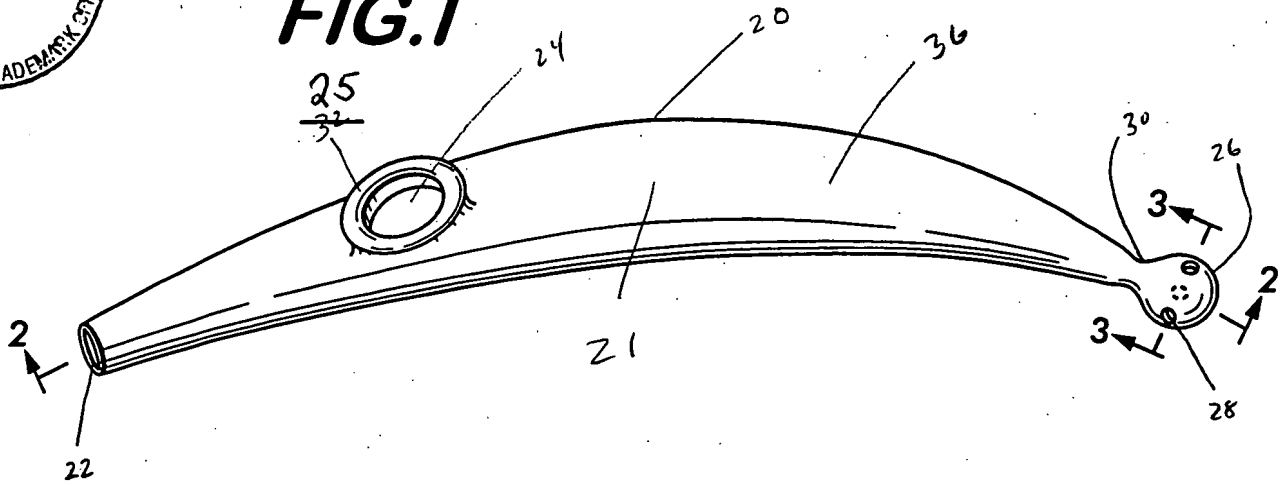


FIG. 2

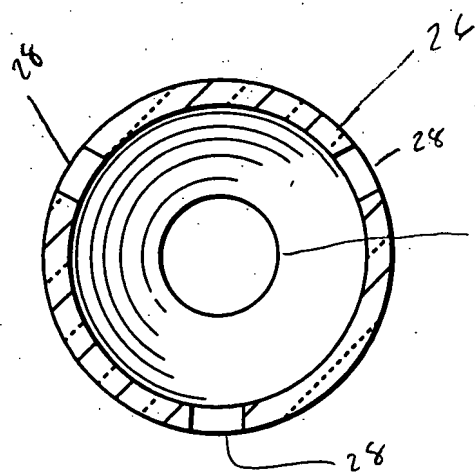
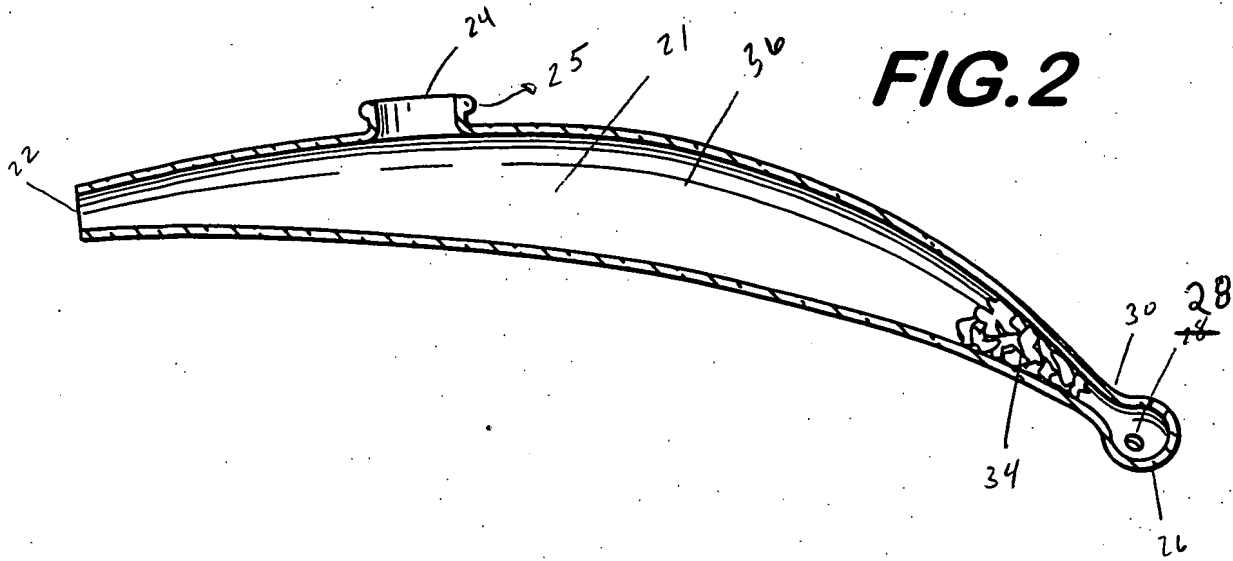


FIG. 3

Corrections
Approved.
APJ



FIG.10

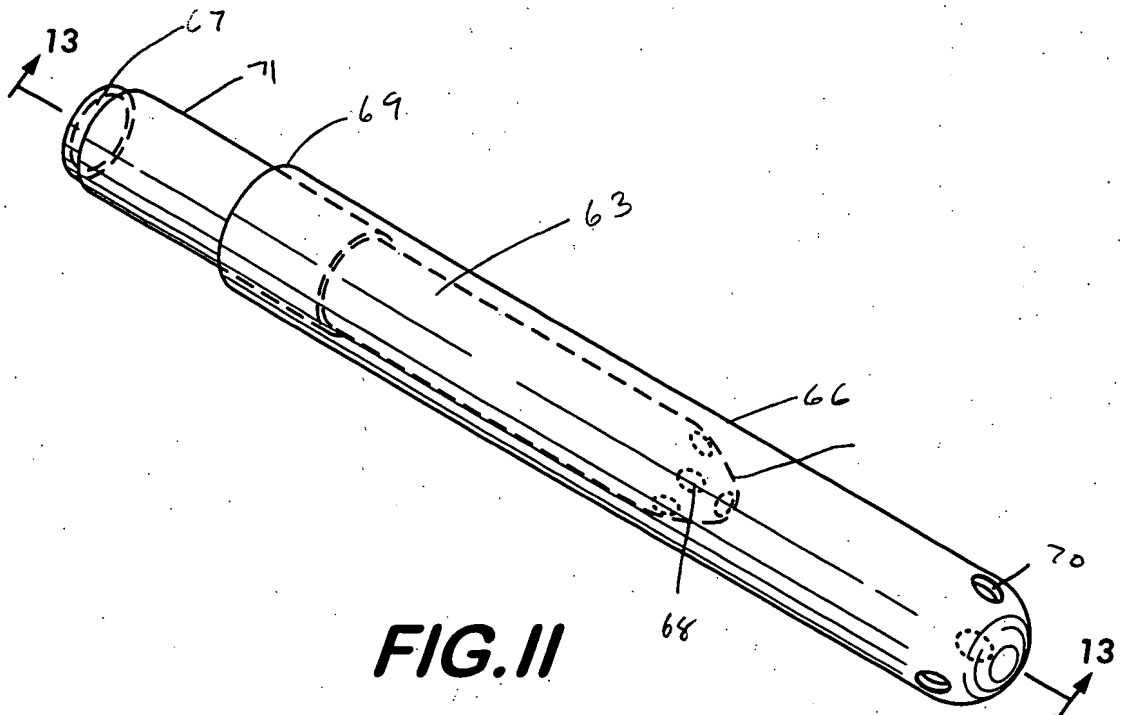
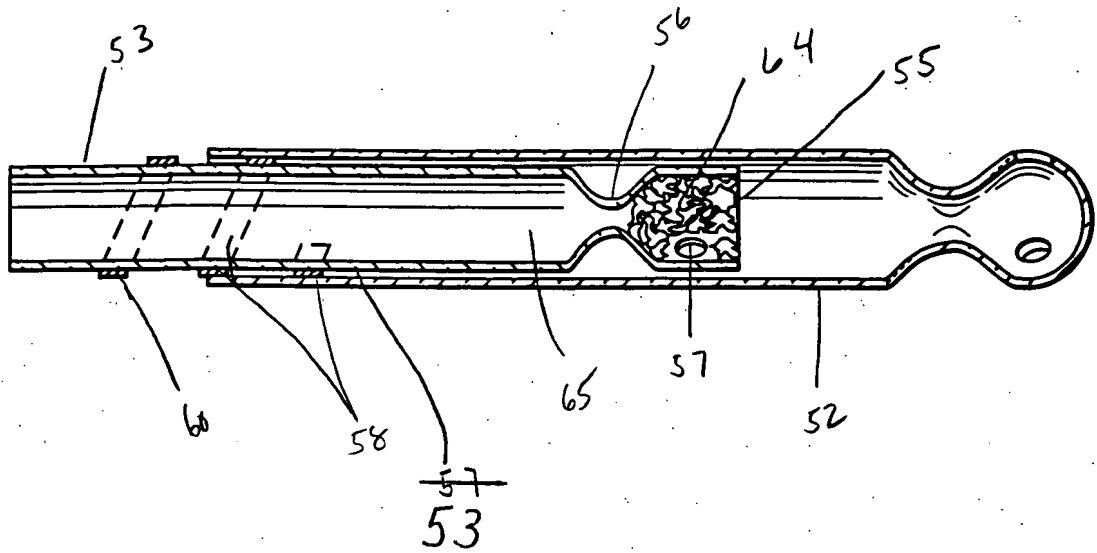


FIG.II

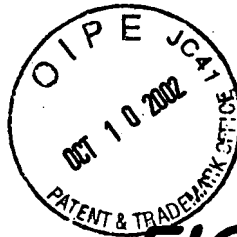


FIG.14

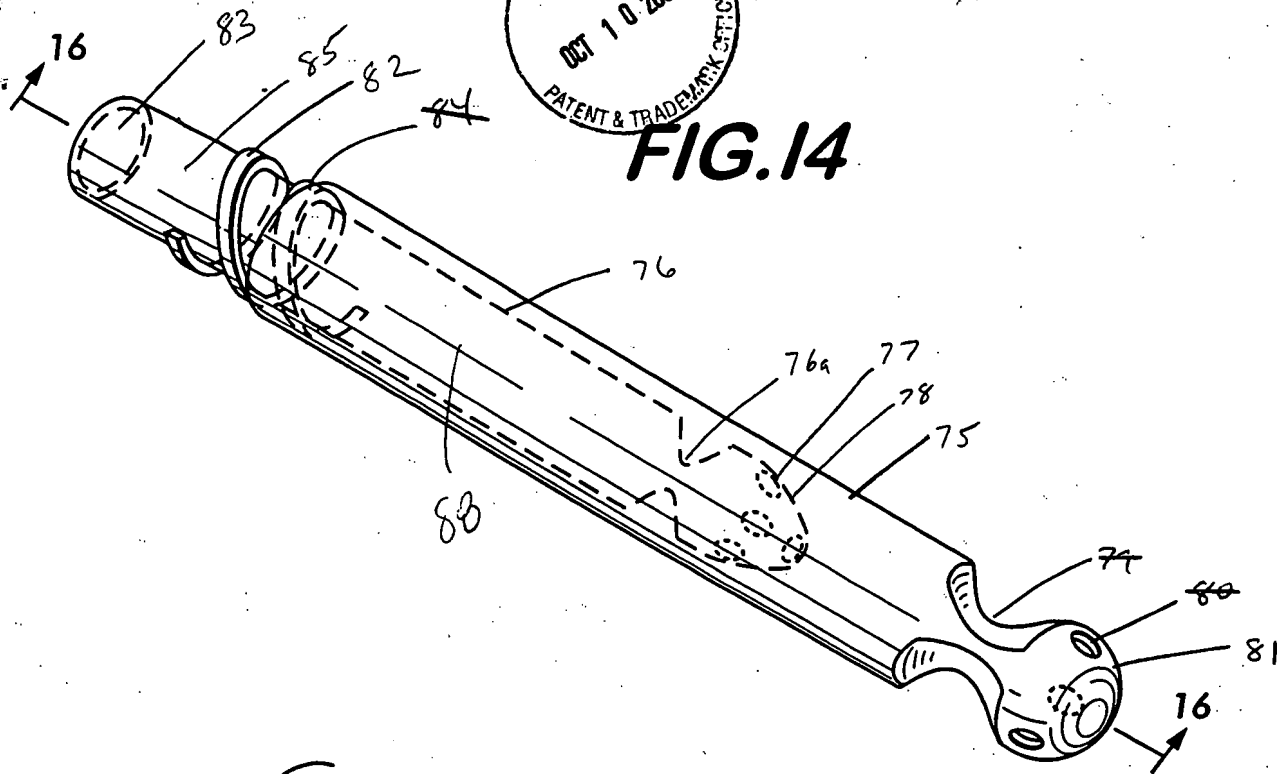


FIG.15

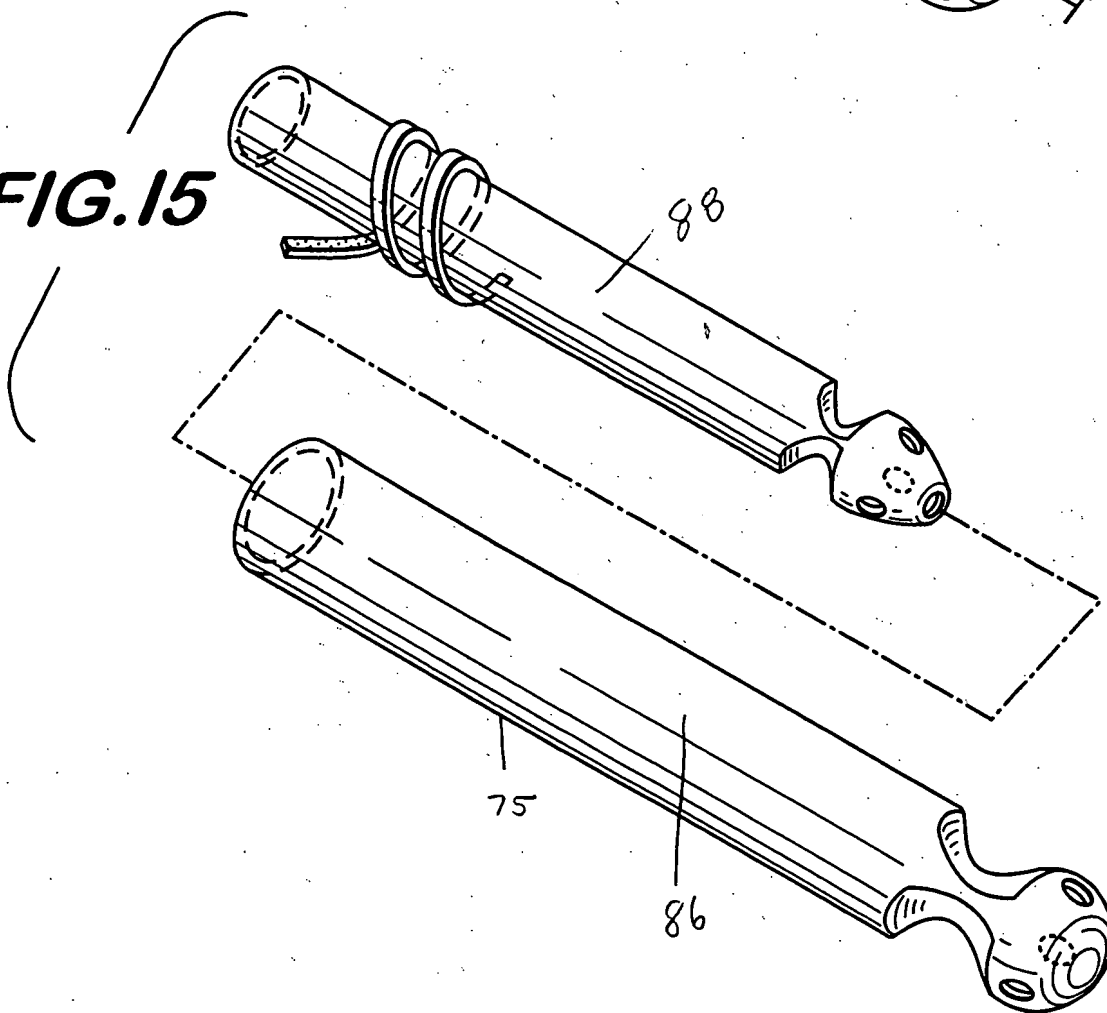


FIG.18

